

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-18 were present and remain pending. Claims 3, 7-8 and 10 are amended.

Specification Objections

The abstract is objected to under MPEP 608.01(b) for containing more than 150 words and more than one paragraph. In response, the abstract is amended to comply with MPEP 608.01(b).

Various informalities are noted in the specification. In response, the specification is corrected as suggested in the Action.

Double Patenting Rejection

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claim 1 of co-pending application no. 09/927,178. A terminal disclaimer is enclosed to overcome this rejection.

Claim Objections

Claims 3 and 7 are objected to for grammatical informalities. In response, claims 3 and 7 are amended as suggested in the Action.

Claim Rejections – 35 USC 103(a)

Claims 1-3, 5, 6 and 14 are rejected under 35 USC §103(a) as obvious over Ouchi (USPN 5,675,421) in view of Shimizu (USPN 4,638,368). Claim 4 is rejected as obvious over Ouchi in view of Sugawara (USPN 6,252,672). Claims 7-9, 15 and 16 are rejected as obvious over Ouchi in view of Kobayashi (USPN 6,434,343). Claim 12 is rejected as obvious over Ouchi in view of Kobayashi and further in view of Fujimoto (USPN 6,701,095). Claim 13 is rejected as obvious over Ouchi in view of Ikegami (USPN 6,414,759) and further in view of Izumi (USPN 6,728,534). Claims 10, 11 and 17 are rejected as obvious over Ouchi in view of Ikegami. Claim 18 is

rejected as obvious over Ouchi in view of Shimizu and further in view of Nakamura (USPN 5,956,155).

In response, applicant asserts that claim 1, as filed, and independent claims 7, 8 and 10, as amended, distinguish over the cited references.

In FIG. 1, Ouchi discloses a facsimile machine 100 having a network control unit 7 for establishing a communication line between the facsimile machine 100 and a remote facsimile machine 14. *Ouchi, Col. 3, lines 13-24*. An operation portion 9 is provided with a numeric pad, various switches, and mode selection keys. In particular, the operation portion 9 is provided with a remote operation mode ON/OFF switch 23 for turning on and off a remote operation mode of the facsimile machine 100. *Ouchi, Col. 3, lines 28-33*. In the remote operation mode, a caller from a remote location can retrieve data from the facsimile machine 100 stored in memory of RAM 6. *Ouchi, Col. 3, lines 54-56*.

The Action asserts that the remote operation mode ON/OFF switch 23 of Ouchi reads on the operating key of claim 1. Applicant respectfully disagrees. Ouchi specifically states that the remote operation mode is set by switching the remote operation mode ON/OFF switch 23 provided to the operation portion 9 so as to perform the fax-on-demand function during the remote operation mode of the facsimile machine 100. *See Ouchi, Col. 3, lines 56-58 and Col. 4, lines 16-27*. Clearly, the remote operation mode ON/OFF switch 23 of Ouchi does not cause the network control unit 7 to release the circuit, but merely selects a mode of operation of the facsimile machine 100.

Moreover, according to Ouchi, when the remote operation mode is selected, a caller can access and retrieve data stored in memory of the facsimile machine 100 even under circumstances where reception of incoming image data is impossible, such as when recording paper runs out or when reception memory is full. *Ouchi, Col. 11, lines 21-27*. Clearly, if data can be retrieved from facsimile machine 100 when the remote operation mode is selected, then the circuit is not released.

Claim 1, as filed, recites "an operating key for making the network control unit release the circuit", and therefore distinguishes over Ouchi for the reasons set forth above. Claims 7, 8 and 10 are amended to include this feature and therefore distinguish over Ouchi for the same reasons. Since none of the ancillary references remedy the deficiencies of Ouchi, the rejections of claims 1, 7, 8 and 10, and all claims dependent thereon, under 35 USC 103(a) should be withdrawn.

Conclusion

This application is now believed to be in form for allowance. The examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: April 18, 2005

By: 

Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701